S.B. CIVIL WRIT PETITION NO.5749/2007.

Smt. Shanto Devi
Vs.
The MACT, Dholpur

Date of order : 4/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Dinesh Kumar Garg for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner has challenged the order dated 16.6.2007 passed by the Motor Accident Claims Tribunal, Dholpur whereby her application for release of the amount of Rs.20,000/- of the FDR in the name of her deceased son, Kamal Singh has been rejected.

Learned counsel for the petitioner has aruged that Kamal Singh was minor at the time when the award was passed by the Tribunal and it was in that situation that the FDR was obtained in his name. Subsequently on 4.4.2006, Kamal Singh died. Learned counsel further submitted that the petitioner is the widow of deceased Rambabu and mother of deceased Kamal Singh and is in dire need of money and the insurance company can have no

objection because in any case the insurance company has parted with the money and the matter was decided in Lok Adalat with their consent. The learned Tribunal erred in law in refusing to release the aforesaid FDR in favour of the petitioner who is mother and natural guardian of deceased Kamal Singh.

In the facts of the case and keeping in view the quantum of the amount and the dire necessity of the petitioner, I deem it appropriate that the amount of FDR in the name of deceased Kamal Singh should be allowed to be disbursed to the petitioner. It is, therefore, directed that the amount be disbursed with whatever interest it has earned so far to the petitioner.

With the above observation, the writ petition is allowed.

(MOHAMMAD RAFIQ), J.

skant/-